

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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TORY ALEXANDER HART, Trustee for the  
heirs and next-of-kin of E.K.A.H., decedent,

Court File No. 22-CV-02035  
(MJD/JFD)

Plaintiff,

v.

COUNTY OF DAKOTA,  
BETH DEHNER and  
JENNIFER STREEFLAND,

**PETITION FOR APPROVAL OF  
WRONGFUL DEATH SETTLEMENT  
AND DISTRIBUTION**

Defendants.

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COMES NOW the Petitioner, Tory A. Hart, Trustee for the heirs and next-of-kin of Decedent EKAH, a minor, and petitions the Court for an Order Approving the Wrongful Death Settlement and Distribution of Funds. Your Petitioner states and avers as follows:

1. That said decedent was born on December 15, 2015, and died tragically by murder on May 20, 2022, at the hands of his mother, Julissa Thaler, in the City of Spring Park, County of Hennepin, and was previously residing at 2400 Interlachen Road, in the City of Spring Park, County of Hennepin, State of Minnesota. That EKAH was 6 years of age at the time of his death. By reason of his death, a cause of action therefore exists under Minn. Stat. §573.02. Venue in this Court is appropriate.

2. That on June 17, 2022, Tory A. Hart was appointed Trustee for the heirs and next-of-kin of Decedent EKAH by Order of Dakota County District Court [Case No. 19HA-CV-22-2016].

3. That the names, ages, relationship and addresses of all the heirs and next-of-kin of the Decedent are:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Address</u>
Tory Alexander Hart	Majority	Father	1040 2 <sup>nd</sup> Street, #9 Chetek, MN 54728
Kenneth Jude Hart	Majority	Paternal Grandfather	219 Old Hwy 8 SW, Apt. 8 New Brighton, MN 55112
Nicole Ann Hart	Majority	Paternal Grandmother	219 Old Hwy 8 SW, Apt. 8 New Brighton, MN 55112
George Thaler	Majority	Maternal Grandfather	11825 Knolls Paty Lakeville, MN 55044
Tamara Pauline Genrich	Majority	Maternal Grandmother	3012 Saint Albans Hollow Circle Hopkins, MN 55305

4. That a wrongful death claim and a survival claim were brought against Defendants for pecuniary damages.

5. That a thorough investigation of the facts and circumstances surrounding the incident which caused the death of EKAH was conducted, including obtaining expert opinions. That Defendants have agreed to tender, and the Trustee has agreed to accept the sum of \$2,250,000.00 in settlement of all claims arising from the wrongful death of EKAH.

6. That the offered sum is a compromised settlement that may not fully compensate the heirs and next-of-kin for their losses, but it is in the best interest of the heirs and next-of-kin to accept the offered settlement.

7. That the funeral and burial expenses of EKAH in the amount of \$2,675.06 have been paid in full to the Klecatsky & Sons Funeral Home in South St. Paul, Minnesota.

8. That Trustee Tory A. Hart jointly hired the law firms of Meshbesh & Spence, Ltd. and Dunlap & Seeger, P.A. to represent him and the heirs and next-of-kin on behalf of their

claims, agreeing to pay 33 1/3 Percent of the gross recovery, plus reimbursement of the law firms' costs and disbursements, in consideration for their services. Meshbeshier & Spence, Ltd. and Dunlap & Seeger, P.A. have incurred costs and disbursements in the amount of \$206,185.47.

9. That Trustee Tory A. Hart hereby requests that the settlement proceeds be distributed in the following manner:

- a) To the law firms of Meshbeshier & Spence, Ltd. and Dunlap & Seeger, P.A. \$750,000.00 for attorneys' fees;
- b) To the law firms of Meshbeshier & Spence, Ltd. and Dunlap & Seeger, P.A. \$206,185.47 for their costs and disbursements;
- c) The balance of the settlement, the sum of \$1,293,814.53, is to be distributed in immediate cash payments to the heirs and next-of-kin of Decedent EKAH:

\$1,218,814.53	to Tory A. Hart, Father
\$25,000.00	to Kenneth Jude Hart, Paternal Grandfather
\$25,000.00	to Nicole Ann Hart, Paternal Grandmother
\$0.00	to George Thaler, Maternal Grandfather WAIVED
\$25,000.00	to Tamara Pauline Genrich, Maternal Grandmother


10. That the heirs and next-of-kin identified in Paragraph 3 above have reviewed the proposed distribution set forth herein, and request that the Court order distribution as set forth in the Petition. Copies of the written Consent to Distribution and Waiver of Appearance forms signed by each of the Decedent's heirs are attached hereto as **Exhibit A**.

11. That your Petitioner is satisfied that the proposed settlement herein is just, reasonable, and proper under the circumstances and is satisfied that all claims arising out of the death of EKAH are as represented in the petition.

WHEREFORE, your Petitioner prays for an Order as follows:

1. Authorizing and directing your Petitioner to accept the settlement as set forth herein and to execute such releases as are necessary to complete the settlement and to distribute the settlement proceeds as set-forth above; and
2. Terminating the Trusteeship of Tory A. Hart after the settlement has been distributed according to Court Order.

Dated: 11/27/2024

  
\_\_\_\_\_  
Tory A. Hart, Trustee for the Heirs  
and next-of-kin of Decedent EKAH

**VERIFICATION**

I, Tory A. Hart, being first duly sworn upon oath, states that he is the Trustee and Petitioner in the foregoing Petition and that said Petition is true of his own knowledge, except as to matters herein stated on information and belief, and as to such matters, believes the same to be true.

**I declare under penalty of perjury that everything I have stated in the Petition is true and correct. Minn. Stat. §358.116.**

Dated this 11/27/2024, in the City of Chetek, County of Barron, State of Wisconsin.



Tory A. Hart  
Trustee for the Heirs and next-of-kin of  
EKAH, decedent

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FOR THE DISTRICT OF MINNESOTA**

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Plaintiff,

v.

COUNTY OF DAKOTA,  
BETH DEHNER and  
JENNIFER STREEFLAND,

**CONSENT TO DISTRIBUTION  
AND WAIVER OF HEARING**

Defendants.

Pursuant to Minn. Gen. R. Prac. §144.05, the undersigned hereby requests waiver of  
notice and hearing regarding the attached Petition for Approval and Distribution of Wrongful  
Death Settlement Proceeds, and consents to its approval and distribution.

Dated: 11/27/2024

Kenneth J. Hart

Kenneth Jude Hart  
Paternal Grandfather



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11/27/2024  
Dated: \_\_\_\_\_



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Nicole Ann Hart  
Paternal Grandmother

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Dated: 11/29/2024

*George Thaler*  
\_\_\_\_\_  
George Thaler  
Maternal Grandfather



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Tamara Pauline Genrich  
Maternal Grandmother